

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DEUTSCHE BANK NATIONAL TRUST COMPANY,**

**Plaintiff,**

**v.**

**No. 13-cv-0979 RHS/SMV**

**LLEWELLYN WERNER, MARTHA WERNER,  
TERSLY INVESTMENTS LTD., and  
CITY OF SANTA FE**

**Defendants.**

**ORDER QUASHING ORDER TO SHOW CAUSE**

THIS MATTER is before the Court on Plaintiff's Response to Court's Order to Show Cause . . . [Doc. 8], filed on March 18, 2014. For good cause shown, the Order to Show Cause [Doc. 7] will be QUASHED. Plaintiff may have an additional 45 days to effect service on Defendant Tersly Investments Ltd. ("Tersly").

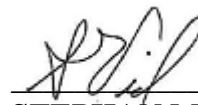
Plaintiff filed its Complaint on October 8, 2013. [Doc. 1]. However, 140 days later, on February 25, 2014, the record contained no indication that service of process has been effected with respect to Defendant Tersly. Accordingly, the Court ordered Plaintiff to show cause why Defendant Tersely should not be dismissed without prejudice for lack of service pursuant to Fed. R. Civ. P. 4(m), which requires service within 120 days of filing a complaint.

On March 18, 2014, Plaintiff timely responded to the Order to Show Cause. [Doc. 8]. Plaintiff correctly points out the 120-day time limit does not apply to Defendant Tersly because it is a foreign corporation organized under the laws of the British Virgin Islands. *Compare* Fed. R. Civ. P. 4(f), 4(h) (rules for service of foreign corporations), *with* [Doc. 1] at 2 (alleging the

Defendant Tersly is a foreign corporation). Nevertheless, the “time allowed for foreign service is not unlimited.” *Nylok Corp. v. Fastener World Incorporation*, 396 F.3d 805, 807 (7th Cir. 2005). Plaintiff requests an additional 45 days to effect service of process on Defendant Tersly. Considering Plaintiff’s efforts thus far to serve Tersly, 45 additional days is not unreasonable.

**IT IS THEREFORE ORDERED** that the Order to Show Cause [Doc. 8] is **QUASHED**. Plaintiff shall serve Defendant Tersly within 45 days of the date of this Order.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**